

**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION**

LEIGHA C. BAUGHAM,)
and others similarly situated,)

Plaintiffs,)

v.)

WAGA FOX 5 a/k/a NEW WORLD)
COMMUNICATIONS)
OF ATLANTA, INC.,)
a Delaware Corporation,)
and)
FOX TELEVISION STATIONS,)
INC.,)
a Delaware corporation,)

Defendants.)
_____)

CIVIL ACTION

FILE NO. _____

JURY TRIAL DEMANDED

COMPLAINT

Plaintiff Leigha C. Baugham, and others similarly situated, by and through the undersigned counsel, hereby files this complaint, and alleges as follows:

1. This is an action for overtime compensation brought pursuant to and arising under the Fair Labor Standards Act of 1938 (the “Act”), as amended, 29 U.S.C. §201, *et seq.*

Jurisdiction

2. This Court has jurisdiction pursuant to 28 U.S.C. §1331, and §16(b) of the Fair Labor Standards Act 29 U.S.C. § 216(b) and 29 U.S.C. § 621.

Venue

3. The cause of action arose in Fulton County, Georgia, in the Northern District of Georgia.

4. The claims of all plaintiffs filed herein involve common questions of fact and law.

Parties

5. Plaintiff Leigha C. Baugham (“Plaintiff” or “Ms. Baugham”), is a citizen of the State of Georgia and resides at 860 Peachtree Street, Unit 1102, N.E., Atlanta, Georgia 30308.

6. Defendant WAGA FOX 5 Atlanta is a broadcast television station with offices located at 1551 Briarcliff Road, Atlanta, Georgia 30306, operated by Defendant New World Communications of Atlanta, Inc. (“New World”), a Delaware corporation, which in 1997 merged with Defendant Fox Television Stations, Inc. (“Fox Television”), a Delaware corporation.

7. This is an action brought pursuant to and arising under the Fair Labor Standards Act of 1938 (the “Act”), as amended, 29 U.S.C. § 201, et seq. It is

brought by plaintiff, as an employee, pursuant to § 16(b) of the Act, [29 U.S.C. §216(b)] on behalf of herself and all others similarly situated.

8. Defendant WAGA FOX 5, New Word and Fox Television (hereinafter collectively “FOX 5”) are an “employer” as defined by § 3(a) of the Act, and enterprises engaged in commerce within the meaning of § 3(s)(1) of the Act. [29 U.S.C. § 203(s)(1)].

9. Since at least beginning on or about February 26, 2007, FOX 5 has violated the provisions of §§7 and 15(a)(2) of the Act [29 U.S.C. §§ 207 and § 215(a)(2)] by employing employees engaged in commerce for work-weeks longer than 40 hours without compensating them for their employment in excess of 40 hours at rates not less than one and one-half (1 ½) times the regular rates at which they were employed.

Count One
Violation of 29 U.S.C. § 201, *et seq.*

10. Plaintiff realleges and incorporates by reference Paragraphs 1-9 of this complaint as if fully set out below.

11. Since the inception of her employment, Ms. Baugham worked numerous weeks in excess of forty (40) hours per week, yet was not compensated for the work in excess of forty (40) hours at a rate not less than one and one-half (1 ½) times the regular rate at which she was employed.

12. FOX 5 regularly and intentionally required Ms. Baugham to work hours in excess of 40 per week without paying overtime compensation.

13. FOX 5's conduct in not complying with the Fair Labor Standards Act was willful.

14. Furthermore, FOX 5 has failed to maintain all of the records required by the Fair Labor Standards Act and the regulations promulgated thereunder.

15. On information and belief, FOX 5's policy of not paying employees overtime for hours worked in excess of 40 each week is both unlawful and companywide, and each non-exempt employee employed by FOX 5 during the three years prior to the filing of this complaint has been deprived of overtime, similarly to the named plaintiff.

16. The failure to pay overtime compensation to Ms. Baugham and the other similarly situated employees is unlawful in that the employees are not exempt from the overtime provisions of the Act pursuant to the provisions of 29 U.S.C. § 213(a).

17. Pursuant to § 16(b) of the Act [29 U.S.C. § 216(b)], Ms. Baugham is entitled to recover from FOX 5, as is each of the other similarly situated employees:

- a. Her unpaid overtime compensation;

- b. An amount equal to the unpaid overtime compensation she is owed as liquidated damages;
- c. The costs of this action;
- d. Her reasonable attorney's fees;

WHEREFORE, Plaintiff Leigha C. Baugham prays that this Court will grant judgment:

A. That process issue and be served upon FOX 5 to appear and answer this complaint as provided by law;

B. That judgment be entered in favor of plaintiff and against FOX 5 on all counts of this complaint:

- 1. Awarding her payment and each other similarly situated employee who opts in, payment of overtime compensation found by the Court to be due plaintiff under the Act;
- 2. Awarding an additional equal amount to the unpaid overtime as liquidated damages; and
- 3. Awarding plaintiff her costs, including a reasonable attorney's fees.

C. That plaintiff be granted a trial by a jury on all issues so triable; and

D. That plaintiff be awarded such other and further relief as this court deems just and proper.

Respectfully submitted this 6th day of May, 2011.

s/Elizabeth Ann Morgan
Elizabeth Ann Morgan
Georgia Bar No. 522206
Louis A. Kerkhoff
Georgia Bar. No. 591930
THE MORGAN LAW FIRM P.C.
260 Peachtree Street
Suite 1601
Atlanta, Georgia 30303
TEL: 404-496-5430
morgan@morganlawpc.com
kerkhoff@morganlawpc.com
Counsel for the Plaintiff